

MINUTES OF THE
MAG SPECIAL MANAGEMENT COMMITTEE MEETING
December 6, 1999
MAG Office Building - Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Frank Fairbanks, Phoenix, Chairman	Tom Martinsen, Paradise Valley
Debbie Kohn for Carlos Palma, Avondale	Meredith Flinn for Terry Ellis, Peoria
*Joe Blanton, Buckeye	Scott Rigby for Cynthia Seelhammer,
Jon Pearson, Carefree	Queen Creek
Usama Abujbarah, Cave Creek	David Easchief, Salt River Pima-Maricopa
Lloyd Harrell, Chandler	Indian Community
*Maggie Reese, El Mirage	Dick Bowers, Scottsdale
*Paul Nordin, Fountain Hills	*Dick McComb, Surprise
Carl Stephani, Gila Bend	Gary Brown, Tempe
*Urban Giff, Gila River Indian Community	Ralph Velez, Tolleson
*Kent Cooper, Gilbert	*Fred Carpenter, Wickenburg
Martin Vanacour, Glendale	Lloyce Robinson, Youngtown
Stephen Cleveland, Goodyear	Dick Wright for Mary Peters, ADOT
*Luis Gonzales, Guadalupe	Tom Buick for David Smith, Maricopa County
Horatio Skeete, Litchfield Park	Bryan Jungwirth for Ken Driggs, RPTA
Jeff Martin for Charles Luster, Mesa	

*Those members neither present nor represented by proxy.

OTHERS PRESENT

Cari Anderson, MAG	Mike McCloy, Arizona Republic
Cathy Arthur, MAG	Reyes Medrano, Tolleson
Lindy Bauer, MAG	Chris Plumb, MCDOT
James M. Bourey, MAG	Audrey Skidmore, MAG
Jim Book, Glendale	David R. Smith, Maricopa County
Al Brown, Maricopa County	Dennis Smith, MAG
Peggy Carpenter, Scottsdale	Kelly Taft, MAG
William 'Blue' Crowley, Citizen	Gordon Tyus, MAG
Valerie Day, MAG	Rita Walton, MAG
Chuck Eaton, ADOT	Paul Ward, MAG
George Hoffman, Apache Junction	Shannon Wilhelmsen, Tempe

1. Call to Order

The meeting was called to order by Chairman Frank Fairbanks, Phoenix, at 9:05 a.m.

Chairman Fairbanks introduced proxies Dick Wright for Mary Peters from ADOT, Debbie Kohn for Carlos Palma from Avondale, Tom Buick for David Smith from Maricopa County, Jeff Martin for Charles Luster from Mesa, Meredith Flinn for Terry Ellis from Peoria, and Bryan Jungwirth for Ken Driggs from RPTA.

2. Call to the Audience

Chairman Fairbanks stated that we have a timer to assist the public with their presentations. He noted that public comments have a 3 minute time limit. When 2 minutes have elapsed, the yellow light will come on notifying the speaker that they have 1 minute to sum up. At the end of the 3 minute time period, the red light will come on. He stated that for members of the audience who wish to speak, cards are available from the staff who will bring it to the Chairman. Public comment is provided at the beginning of the meeting for non-agenda items.

Chairman Fairbanks recognized public comment from Blue Crowley, who said that it is the job of those sitting at the table to improve the air quality. He stated that public comment at the beginning of the meeting is for non-action items on the agenda, in addition to non-agenda items. Mr. Crowley requested that "street sweeper" wording be changed to "street vacuum," which is the highest technology. Mr. Crowley indicated that his earlier comments about arrest and trespassing charges had not been recorded in the minutes. Mr. Crowley commented he will be submitting a letter at the next Regional Council meeting for the record. Chairman Fairbanks thanked Mr. Crowley for his comments.

3. EPA Approvability Problem with the MAG 1999 Serious Area Particulate Plan for PM-10

Lindy Bauer stated that on November 9, 1999, the Environmental Protection Agency (EPA) notified MAG by telephone and Governor Hull by letter that there was an approvability problem with the MAG 1999 Serious Area Particulate Plan for PM-10. If the plan cannot be approved by March 2, 2000, the first sanction will be imposed which involves two to one off-sets for major industrial sources. Ms. Bauer indicated that if the plan is not corrected by September 2, 2000, the second sanction will be imposed which involves the loss of federal highway funds. She said that the EPA stated that they had issues with the plan: the expected 90 percent compliance by Maricopa County for the County's Fugitive Dust Control Rule 310, a lack of a strategy for paving unpaved roads and lack of measures to control dust on unpaved roads. She stated that enforcement of the Rule 310 has been decreasing since 1997. The EPA also indicated that the region has \$40 million of uncommitted CMAQ funds. Ms. Bauer noted that more than \$350 million in projects have been submitted for consideration.

Ms. Bauer displayed slides showing the sequence of events for Serious Area PM-10 Plan schedule, beginning in August 1997. She listed the 2006 PM-10 Emission Reductions from committed control measures, such as better enforcement of dust control rules, paving of roads and shoulders, charbroiler controls, fuel reformulation, and traffic signal synchronization.

Ms. Bauer commented that the EPA said that four months is needed to review the Plan prior to their approval. She said that to avoid the March 2, 2000 sanction, the Plan would have to be submitted by November 2, a week before the letter was written on November 9.

Ms. Bauer stated that discussions are ongoing with the EPA on possible solutions. She stated that these projects were considered by the Transportation Review Committee on November 23, 1999. The TRC recommended that CMAQ funds be approved as follows: \$5.4 million for paving principal dirt roads in the County; \$5.4 million for paving the remaining dirt roads in the County with 130 average daily trips or greater; \$5.4 million for paving additional dirt roads, with MAG members to submit project proposals to MAG by December 2, 1999 and MAG staff to investigate options for additional funding of this category; and \$5.7 million for the purchase of approximately

48 PM-10 Efficient Street Sweepers. This recommendation was made with the understanding that the County will make every effort to attain a rate of 80% compliance with Rule 310 and that the County will assist in getting State legislation authorizing the County to impose sanctions administratively for violations. Ms. Bauer stated that on November 30, 1999, following the TRC meeting, Maricopa County revised their project cost estimates from \$10.8 million to \$7.85 million to reflect only paving costs for the projects. She said that member agencies were requested to submit project requests by December 2, 1999.

Ms. Bauer summarized the County's plan. She said the plan includes hiring 14 FTE's by April 2000, hiring an attorney for Rule 310, increasing training and educational efforts for inspectors, and new enforcement measures. She indicated that the Board of Supervisors is expected to take action on this plan on December 15, 1999. Ms. Bauer stated that in addition to the special Management Committee meeting, the Executive Committee would consider the issue at their meeting later in the day, the TRC on December 7, and the Regional Council on December 8, 1999.

Ms. Bauer commented that the EPA said they were impressed by the efforts of staff to resolve this issue. She noted that a letter from the Governor requesting an expedited review of the Plan by the EPA was at each place.

Jeff Martin asked for clarification if an additional \$2 million is available since the County has revised its project cost estimate from \$10.8 million to \$7.85 million. Dennis Smith replied that Paul Ward would discuss this revision in his presentation on the following agenda item.

Tom Buick commented that the County has committed to a 50 percent match. He indicated that right of way costs are not acceptable expenditures.

Chairman Fairbanks recognized public comment from Blue Crowley, who stated that comments he made at other MAG committee meetings were not included in the public input section of the transmittal summaries. He stated that he has commented on the paving of alleys that are used for ingress and egress. Mr. Crowley stated that the air quality problem has been ongoing. Mr. Crowley stated that "street sweeper" wording be changed to "street vacuum." He indicated that transit should be addressed, because of carbon-based particulates emitted by cars. The bike tunnel he requested at Grand Avenue is still not built. Use paint as a weapon to increase usage and safety of bike lanes.

Chairman Fairbanks stated that the street sweepers being purchased are the only ones certified to reduce particulate matter and are accepted by the EPA.

Jeff Martin moved to recommend approval of the TRC recommendation that CMAQ funds be approved as follows: \$5.4 million for paving principal dirt roads in the County; \$5.4 million for paving the remaining dirt roads in the County with 130 average daily trips or greater; \$5.4 million for paving additional dirt roads, with MAG members to submit project proposals to MAG by December 2, 1999 and MAG staff to investigate options for additional funding of this category; and \$5.7 million for the purchase of approximately 48 PM-10 Efficient Street Sweepers, with the understanding that the County will make every effort to attain a rate of 80% compliance with Rule 310 and that the County will assist in getting State legislation authorizing the County to impose sanctions administratively for violations. Also, that the Maricopa County project cost estimate of \$10.8 million be revised to \$7.85 million to reflect only paving costs for the projects.

Before a vote was taken, Mr. Martin summarized the background of the TRC recommendation. He indicated that a lot of money has been spent by member agencies for paving. This was done as a trade off, if money were provided to the County in exchange for assurance that the dust rule would be enforced. Mr. Martin stated that Mesa developed their own inspection program because the County was not getting the job done. He mentioned that the County's Rule 310 has been on the books for 12 years.

Gary Brown seconded. Mr. Bourey clarified that the motion included the cost estimate revision from \$10.8 million to \$7.85 million. Mr. Martin noted that was a part of his motion.

Chairman Fairbanks stated that this is a critical issue that requires commitment by all. He expressed congratulations to staff for their prompt work. Chairman Fairbanks stated that we need to solve this problem and sacrifice, if necessary. He commented that Phoenix is paving large parking lots, which the County is not doing. Chairman Fairbanks indicated that he would vote in favor of the motion since staff recommended it. Chairman Fairbanks asked for clarification if funding includes landscaping and sidewalks in addition to streets and curbs. Dennis Smith replied that a letter from the FHWA mentions this concern. He said federal money is for paving, with member agency match for sidewalks, landscaping, and similar projects.

Chairman Fairbanks asked for a vote on the motion and it was unanimously carried to recommend that CMAQ funds be approved as follows: \$5.4 million for paving principal dirt roads in the County; \$5.4 million for paving the remaining dirt roads in the County with 130 average daily trips or greater; \$5.4 million for paving additional dirt roads, with MAG members to submit project proposals to MAG by December 2, 1999 and MAG staff to investigate options for additional funding of this category; and \$5.7 million for the purchase of approximately 48 PM-10 Efficient Street Sweepers, with the understanding that the County will make every effort to attain a rate of 80% compliance with Rule 310 and that the County will assist in getting State legislation authorizing the County to impose sanctions administratively for violations. Also, that the Maricopa County project cost estimate of \$10.8 million be revised to \$7.85 million to reflect only paving costs for the projects.

4. Consultation on Conformity Assessment for Proposed Amendment to the FY 2000-2004 MAG Transportation Improvement Program

Cari Anderson stated that MAG has reviewed the proposed paving and street sweeping projects for compliance with the federal conformity rule and has found that the proposed projects may be categorized as a minor TIP amendment, for which conformity consultation is required. She mentioned that the current conformity finding of the TIP and the associated Long Range Transportation Plan Summary was made jointly by the Federal Highway Administration and Federal Transit Administration in a letter dated June 10, 1999 and would be unchanged by the proposed TIP Amendment. Ms. Anderson stated that the conformity assessment was transmitted for consultation purposes to the member agencies and other interested parties and comments are due to MAG by December 8, 1999. She indicated that this item is on the agenda for consultation and no action is required.

Martin Vanacour asked for examples of publicly maintained roads by the County. Mr. Buick stated that several hundred miles of private roads that fit into this category. He said these roads were designated to be maintained by the County prior to 1973. Mr. Buick said that these roads will continue to be maintained by the County under a grandfathered arrangement, although they

remain private. He indicated that the majority of unpaved roads in the County are public with less than 130 vehicles per day. Chairman Fairbanks asked for clarification that roads with less than 130 vehicles per day would not be covered, but roads with more than 130 vehicles per day would be. Ms. Anderson stated that the requirement is for 150 vehicles per day, but the County was committing to 130 vehicles per day. Chairman Fairbanks thanked Ms. Anderson for her presentation and asked if there were any additional questions.

Chairman Fairbanks recognized public comment from Blue Crowley, who requested that documents be amended to reflect “street vacuum” wording in place of “street sweeper.” He commented on purchasing the most current technology. Mr. Crowley stated that transit should be part of the equation. Options for travel by bus and bike should be provided. Chairman Fairbanks thanked Mr. Crowley for his comments.

5. Amendment to the FY 2000-2004 MAG Transportation Improvement Program

Paul Ward summarized the TRC project recommendations to be added to the TIP. Projects costing \$10.8 million are designed to reduce fugitive dust from unpaved roads with an average daily traffic count (ADT) of more than 130 vehicles per day, under the jurisdiction of Maricopa County. Maricopa County will provide an additional 50 percent match for these projects. It is important to note that these projects include private roads that are publicly maintained. This recommendation was made with the understanding that the County will make every effort to attain a rate of 80% compliance with Rule 310 and that the County will assist in getting State legislation authorizing the County to impose sanctions administratively for violations. The TRC also recommended an additional project, totaling \$5.7 million in funding, for the purchase of specially certified vacuum Street Sweepers. Congestion Mitigation and Air Quality (CMAQ) Improvement Program funds will be used for both the paving and purchase of sweepers. These changes are not expected to affect the MAG air quality conformity analysis and the required action is considered a “minor” TIP amendment, for which a formal public hearing is not necessary. Following the TRC meeting, on November 30, Maricopa County revised their project cost estimates from \$10.8 million to \$7.85 million to reflect only paving costs for the projects. Mr. Ward referred to Table One attached to the information summary. He summarized the projects and their funding sources.

Chairman Fairbanks stated that it is important to refer to street sweepers as certified. He stated that certified sweepers have demonstrated that they reduce particulates and conform to EPA standards. He asked if there were any questions.

Lloyd Harrell moved to recommend approving an amendment to the FY 2000-2004 MAG Transportation Improvement Program to add the following projects, all with CMAQ funds: Maricopa County, paving dirt roads: Phases 1 & 2, FY 2001, \$1,700,000; Phases 3 & 4, FY 2002, \$3,070,000; and Phases 5 & 6, FY 2003, \$3,077,500 with the understanding that the County will make every effort to attain a rate of 80% compliance with Rule 310 and that the County will assist in getting State legislation authorizing the County to impose sanctions administratively for violations; and \$960,000 in each of FYs 2001, 2002, 2003 and 2004 for the purchase of PM-10 certified street sweepers. Stephen Cleveland seconded.

Before a vote was taken, Chairman Fairbanks recognized public comment from Blue Crowley, who commented on the Brown Cloud report. He said an analysis should be done to show the source of pollution. He stated that the wording “street vacuums,” not “street sweepers” is used

in the report. Mr. Crowley indicated that comments he made at previous committee meetings regarding alley ingress and egress are not shown in the public input section of the summary transmittal. He stated that all should make the effort and take the bus. Bike and transit are not being addressed. Pedestrian is not encouraged. Mr. Crowley stated that the report is based on studies done in Denver, not in our region. Chairman Fairbanks thanked Mr. Crowley for his comments.

Hearing no further discussion, vote on the motion was taken and it was unanimously carried.

Mr. Bourey thanked all for attending the meeting on short notice.

There being no further business, the meeting was adjourned at 9:50 a.m.

Chairman

Secretary